

The Georgia State Board of Optometry met on **October 13, 2004** at the Professional Licensing Boards Division, 237 Coliseum Drive in Macon, Georgia for the purpose of conducting business.

Members Present:

- Kay F. Royal, O.D., President
- R. Whitman Lord, O.D., Vice President
- Dudley B. Christie, O.D.
- William Cuthbertson, O.D.
- Robin McGhee, O.D.

Others Present:

- Anita O. Martin, Executive Director
- Lea F. Williams, Board Secretary
- Wylencia Monroe, Board Attorney
- Georgianne Bearden, Executive Director, GA Optometric Association

Dr. Royal established that a quorum was present, and called the Public Hearing to order in at 10:10 A.M.

No comments were received regarding Rule 430-5-.02, Contents of Prescriptions for Contact Lenses. Amended.

The Public Hearing adjourned at 10:14 A.M., and the meeting was called to order in OPEN SESSION at 10:14 A.M.

Proposed amendments to Rule 430-5-.02, Contents of Prescriptions for Contact Lenses. Amended.: Dr. McGhee motioned and Dr. Christie seconded the motion to **adopt** the proposed amendments to Rule 430-5-.02. The motion was approved by the Board with all members in favor. (Attachment #1)

The Board voted that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rules cannot be reduced by a less expensive alternative that fully accomplishes the objectives of the applicable laws as provided by the Attorney General's office.

The board also voted that it is not legal or feasible to meet the objectives of the applicable laws to adopt or implement differing actions for businesses as listed in O.C.G.A. §50-13-4(3)(A)(B)(C)(D). The formulation and adoption of this rule will impact every licensee in the same manner and each licensee is independently licensed, owned and operated in the field of Optometry.

August 25, 2004 Conference Call Minutes: Dr. Christie made a motion to **approve** the minutes as presented. The motion was seconded by Dr. McGhee and approved by the Board.

Roster of New Licensees: Dr. Cuthbertson made a motion to **approve** the roster. The motion was seconded by Dr. Christie and approved by the Board. (Attachment #2)

Federal Student Loan Default: Mary C. Pfab, O.D.: Dr. Christie made a motion that the Board **suspend** Mary Caroline Pfab's license to practice as an Optometrist, license # OPT001429, effective thirty days from the date of the "First Notice Letter of Suspension" for nonpayment status or default or breach of repayment or service obligation for her federal educational loan, service conditional loan repayment

program, or service conditional scholarship program. I further move that such suspension shall be stayed pending a request for an appearance before the Board and that this suspension shall be lifted upon receipt of a written release from the federal agency that Dr. Mary Caroline Pfab is not the person at issue or is making payments on the loan, service conditional loan repayment program, or service conditional scholarship program satisfying the payment or service requirements in accordance with an agreement approved by the federal agency. The motion was seconded by Dr. Cuthbertson and approved by the Board.

Rules Promulgation Process: Item viewed as informational.

Draft amendments to Rule 430-2-.04, Requirements: Approval of Educational Programs: The Board heard comments from Ms. Bearden of the G.O.A. The Board **tabled** the vote until more information was obtained from other states.

Dr. McGhee moved, Dr. Christie seconded, and the Board voted to enter into **EXECUTIVE SESSION** in accordance with O.C.G.A. §43-1-2(k) and §43-1-19(h) to deliberate on applications, receive enforcement's, Board attorney's and cognizants' reports. Voting in favor of the motion were those present who included Board members Cuthbertson, and Royal. The Board concluded Executive Session in order to vote on these matters and to continue with **OPEN SESSION**.

OPEN SESSION:

R.S.A.: Dr. Christie made a motion to **approve** the application for Endorsement. The motion was seconded by Dr. McGhee and approved by the Board.

S.W.S.: Dr. Cuthbertson made a motion to **approve** the application for licensure. The motion was seconded by Dr. McGhee and approved by the Board.

M.D.W.: Dr. McGhee made a motion to **approve** the application for Endorsement. The motion was seconded by Dr. Christie and approved by the Board.

G.C.: Dr. Christie made a motion to **request** more information from the applicant regarding the N.J. Consent Order, and to request applicant to obtain and submit a criminal history report from the States of New Jersey and Pennsylvania, as well as request clarification of applicants answers to questions #18, #19, and #20. The motion was seconded by Dr. McGhee and approved by the Board.

Enforcement Report:

#04-008: Dr. Christie made a motion to **dismiss** the case. The motion was seconded by Dr. Cuthbertson and approved by the Board.

Beauty Supply: Dr. McGhee made a motion to **accept** the Cease & Desist Order signed by the owner of Beauty Supply, and **close** the case. The motion was seconded by Dr. Christie and approved by the Board.

Cognizant Report:

#05-002: Dr. Cuthbertson made a motion to **dismiss** the case, and advise the complainant that this is out of the Board's jurisdiction, and to seek legal counsel. The motion was seconded by Dr. McGhee and approved by the Board.

#05-011: Dr. McGhee made a motion to **dismiss** the case. The motion was seconded by Dr. Christie and approved by the Board.

#05-003: Dr. Christie made a motion to **dismiss** the case. The motion was seconded by Dr. Cuthbertson and approved by the Board.

#05-009: Dr. McGhee made a motion to **dismiss** the case. The motion was seconded by Dr. Christie and approved by the Board.

#05-008: Dr. Christie made a motion to **dismiss** the case with a strong Letter of Concern. The motion was seconded by Dr. Cuthbertson and approved by the Board.

#05-014: Dr. McGhee made a motion to **dismiss** the case. The motion was seconded by Dr. Christie and approved by the Board.

#03-037: Dr. McGhee made a motion to **schedule** an Investigative Interview. The motion was seconded by Dr. Christie and approved by the Board.

Attorney General's Report:

- Mrs. Monroe presented a memo regarding **N.S.** The Board voted unanimously to uphold the previous consent order stipulations requested.
- Mrs. Monroe reported on the status of **S.B.N.**

Executive Director's Report:

- Advised that Dr. Royal will be attending a meeting in November with Secretary of State Cathy Cox.
- Presented e-mail from Blue Cross Blue Shield of Alabama: The Board voted to send the "no legal advice" letter and refer then to the rules and laws.

There being no further business to come before the Board, the meeting was adjourned at 11:40 A.M. on October 13, 2004.

April 28, 2004 minutes prepared by Board Secretary, **Lea Williams**, and reviewed by Executive Director, **Anita Martin**.

Kay F. Royal, O.D., Board President

Mollie Fleeman, Division Director

**430-5-.02 Contents of Prescriptions for Contact Lenses. Amended.
Effective November 7, 2004**

(1) All parameters for fabrication of the lenses must be included.

(2) Prescription for contact lenses shall clearly state an expiration date of not more than one (1) year past the date the lens specifications were determined and a date of less than one (1) year from the date the lens specifications were determined is permissible only when indicated by a patient's medical condition that affects the patient's vision or a refractive problem. No doctor of optometry shall replace contact lenses from data, which is more than three (3) years past the date the lens specifications were determined. No doctor of optometry shall replace contact lens from data, which is more than three (3) years old, nor shall he provide the specifications, which would enable another provider to replace such lenses. He may provide such expired specifications to another licensed doctor of optometry, medicine, or doctor of osteopathy for the purpose of adding to a new data base from which to determine new lens specifications.

Authority O.G.C.A. § 43-30-5.

<i>Newly Licensed Optometrists 9-28-2004</i>				
License #	Name	Profession	Status	Issue Date
OPT002206	Wu, Yan	Optometrist	Active	9/15/2004
OPT002207	Grant, William Henry, III	Optometrist	Active	9/29/2004
OPT002208	Smith, Paul Ryan	Optometrist	Active	9/29/2004
OPT002209	Thomson, Clive James	Optometrist	Active	9/29/2004